

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMEH WASSEFF,

Plaintiff,

v.

THE NATIONAL INSTITUTE OF HEALTH,
et al.,

Defendants.

CIVIL ACTION
NO. 16-703

ORDER

AND NOW, this 6th day of February 2017, upon consideration of the Third Amended Complaint (Doc. No. 38), the Motion of Defendants the University of Pennsylvania School of Medicine and the Trustees of the University of Pennsylvania to Dismiss Plaintiff's Third Amended Complaint (Doc. No. 39), the Motion of Defendants the Department of Health and Human Services and the National Institute of Health to Dismiss to Dismiss Plaintiff's Third Amended Complaint (Doc. No. 40), Plaintiff's Response in Opposition to the Motions to Dismiss (Doc. Nos. 43, 44), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that:

1. The Motion of Defendants the Department of Health and Human Services and the National Institute of Health to Dismiss Plaintiff's Third Amended Complaint (Doc. No. 40) is **GRANTED**. Count VII is dismissed and these Defendants are dismissed as Defendants in this case.

It is **FURTHER ORDERED** that the Motion of Defendants the University of Pennsylvania School of Medicine and the Trustees of the University of Pennsylvania to Dismiss

Plaintiff's Third Amended Complaint (Doc. No. 39) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion to Dismiss is **GRANTED** on Plaintiff's breach of contract claim in Count I.
2. Defendants' Motion to Dismiss is **GRANTED** on Plaintiff's promissory estoppel claim in Count II.
3. Defendants' Motion to Dismiss is **DENIED** on Plaintiff's racial discrimination claim under 42 U.S.C. § 1981 in Count III.
4. Defendants' Motion to Dismiss is **DENIED** on Plaintiff's Title VI discrimination and retaliation claim in Count IV.
5. Defendants' Motion to Dismiss is **GRANTED** on Plaintiff's breach of fiduciary duty claim in Count V.
6. Defendants' Motion to Dismiss is **DENIED** on Plaintiff's negligent supervision claim in Count VI.

Defendants the University of Pennsylvania School of Medicine and the Trustees of the University of Pennsylvania are **ORDERED** to file an Answer to Plaintiff's remaining claims in Counts III, IV, and VI within fourteen (14) days from the entry of this Order.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.